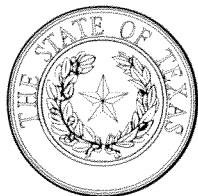


DISMISS; Opinion Filed January 18, 2013.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-12-01353-CV

GQ ENTERPRISES CORPORATION, Appellant

V.

INAYATALI RAJANI AND THE RAJANI GROUP, Appellee

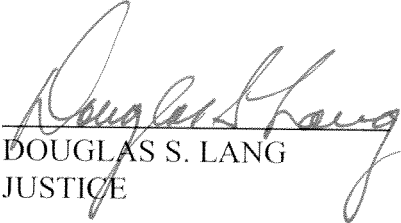
On Appeal from the 193rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-11-05188

MEMORANDUM OPINION

Before Justices Moseley, Francis, and Lang
Opinion By Justice Lang

The notice of this restricted appeal from the trial court's February 9, 2012 judgment was due no later than August 7, 2012 or, with a timely extension motion, August 22, 2012. *See* TEX. R. APP. P. 26.1(c), 26.3. GQ Enterprises Corporation filed the notice August 13, 2012, within the extension period. However, it did not file a motion for extension of time explaining the need for the extension, as required by the rules of appellate procedure. *See id.* 10.5(b), 26.3. By letter dated November 6, 2012, we directed GQ Enterprises to file, within ten days, a motion for extension of time that complied with the rules. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). To date, GQ Enterprises has neither filed the extension motion nor otherwise corresponded with the Court.

The timely filing of a notice of appeal is jurisdictional. *See* TEX. R. APP. P. 25.1(b); *Garza v. Hibernia Nat'l Bank*, 227 S.W.3d 233, 233 (Tex. App.—Houston [1st Dist.] 2007, no pet.). Because GQ Enterprises's notice of appeal was untimely and GQ Enterprises has failed to offer a reasonable explanation why the notice was late, we lack jurisdiction over this appeal. *Garza*, 227 S.W.3d at 233. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).


DOUGLAS S. LANG
JUSTICE

121353F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

GQ ENTERPRISES CORPORATION,
Appellant

No. 05-12-01353-CV V.

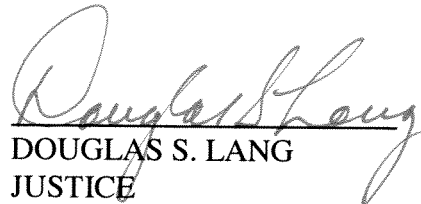
INAYATALI RAJANI AND THE RAJANI
GROUP, Appellees

Appeal from the 193rd Judicial District Court
of Dallas County, Texas. (Tr.Ct.No. DC-11-
05188).

Opinion delivered by Justice Lang, Justices
Moseley and Francis participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal. We **ORDER** that appellee Inayatali Rajani and The Rajani Group recover their costs, if any, of this appeal from appellant GQ Enterprises Corporation.

Judgment entered January 18, 2013.


DOUGLAS S. LANG
JUSTICE